

VIRGINIA: A CONTINUED MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS
HELD IN THE GENERAL DISTRICT COURTROOM OF THE SURRY COUNTY
GOVERNMENT CENTER ON OCTOBER 23, 2014 AT 7:00P.M.

PRESENT: SUPERVISOR ERNEST L. BLOUNT, CHAIRMAN
SUPERVISOR JUDY S. LYTTLE, VICE-CHAIR
SUPERVISOR JOHN M. SEWARD
SUPERVISOR KENNETH R. HOLMES
SUPERVISOR GIRON R. WOODEN, SR.

ALSO

PRESENT: MR. TYRONE W. FRANKLIN, COUNTY ADMINISTRATOR
MS. RHONDA L. RUSSELL, DIRECTOR OF PLANNING
MR. EDDIE BROCK, CHAIR, PLANNING COMMISSION
MS. GABRIELLA CLARK, CHAIR, BOARD OF ZONING APPEALS
MR. JOHN STOKES, PLANNING COMMISSION

CALL TO ORDER

The meeting was called to order by Chairman Blount for the purpose of conducting a work session prior to drafting the County's updated Subdivision Ordinance.

Ms. Rhonda Russell introduced Ms. Jai McBride and Ms. Julia Hillegass of the Hampton Roads Planning District Commission. ***(A copy of the HRPDC presentation is attached as an integral component of these minutes.)***

ADJOURNMENT

There being no further business before the Board, Supervisor Holmes made a motion to adjourn. Supervisor Seward seconded the motion; all present voted affirmatively.

SURRY COUNTY SUBDIVISION ORDINANCE WORKSHOP

10/23/2014



AGENDA

- Opening
- Presentation
 - Definition of Subdivision
 - History of Subdivision Regulations
 - Purpose of Subdivision Regulations
 - Design Standards
 - Subdivision Approval Process
 - Virginia Law
- Focus Group
 - Questions & Comments
- Adjourn

SUBDIVISION DEFINITION

§ 15.2-2201 VIRGINIA CODE

- “Subdivision,” unless otherwise defined by a local ordinance, is the division of land into three or more lots of less than five acres each for the purpose of transfer of ownership or development, or any division of land where a new street is constructed.
- A local ordinance may define “subdivision” more broadly.

SURRY COUNTY'S SUBDIVISION DEFINITION

- **“Subdivision”** The division of land, lot, tract, or parcel into two (2) or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future.

SUBDIVISION: FUN FACT

- People often think of a subdivision as a residential development. In fact, subdivision ordinances apply to divisions of land for any use—residential, commercial or industrial— so long as the division is within the definition of “subdivision.”

HISTORY OF SUBDIVISION REGULATIONS

- Early platting and subdivision regulations were created to manage the recording of plats to ensure that proper land records were made when land was described and sold.
- With the publication of the Standard City Planning Enabling Act in 1928, by the U.S. Department of Commerce, local governments were able to regulate subdivision development through State adoption of enabling legislation and eventually the requirement of recording and platting of land records and titles evolved into development controls.

DEVELOPMENT CONTROLS

- The initial development issues were lot width and area, block length, and access.
- This grew into reviewing actual construction standards for streets, alleys, sewers, and other infrastructure that ends up being accepted by the local government.

WHAT SUBDIVISION ORDINANCES CONTROL?

- Subdivision ordinances control the dimensions of lots, the extent and nature of required utilities, plat details, sight distance for entrances, and the coordination of streets within and next to the subdivision.

PURPOSE OF SUBDIVISION CONTROL?

- The purpose of subdivision control is “to provide for future growth and development, afford adequate facilities for housing, transportation, distribution, comfort, convenience, safety, health and welfare of its Population.

SUBDIVISION VERSUS ZONING

- While zoning and subdivision control are entirely separate and distinct parts of the planning implementation process, they complement each other, and taken together can ensure well-ordered development. Both are exercises of a municipality's "police power."
- Zoning has as its principal purpose the prescription of what land may be used for. Zoning accomplishes this by establishing different districts and providing for permissible uses in each (e.g., residential, commercial, industrial).
- Subdivision control is concerned with how land is used. It attempts to ensure that when development does occur, it will be accompanied by adequate services and facilities.

WHY SUBDIVISION REGULATIONS ARE IMPORTANT?

- A subdivision development can change the character of the community. Once land is divided into lots and streets are laid out, development patterns are set. Review of subdivision plats is often the community's only opportunity to ensure that new neighborhoods are properly designed.
- Well-designed and properly administered subdivision regulations can be very useful in the orderly development of a community.
- The goal of good subdivision design is to ensure that all development is well built, attractively designed and integrated with the greater community.

SUBDIVISION DESIGN STANDARDS

- Design standards provide the specific guidelines for the design of the physical improvements in the subdivision. Standards are developed for the purpose of protecting the public health and safety, preserving natural resources, and achieving community aesthetic goals.

SUBDIVISION DESIGN STANDARDS

- Lot, Block layout
- Physical character of the land
- Environmentally sensitive lands
- Street layout
- Interconnected network of streets
- Utilities
- Bicycle lanes
- Sidewalks and curbs
- Water supply and sewage disposal systems
- Stormwater runoff
- Building design
- Other improvements such as lighting & street signs

SUBDIVISION APPROVAL PROCESS

Minor Subdivisions Review Procedures

- The planning director has discretion to approve subdivisions of under six lots.

Major Subdivisions Review Procedures

- Subdivisions with six or more lots require the approval of the planning commission.
- Parcels greater than three acres are required to be suitable for septic before they can be approved.

SUBDIVISION APPROVAL PROCESS

- Localities must act within 90 days to approve or deny a preliminary plat and within 60 days to approve or deny a final plat. Failure to act within these time frames is grounds for the landowner to seek an order for action from the local circuit court.
- If a locality denies an application for subdivision, it must provide the landowner with a written statement of the reasons for denial. The landowner may appeal a denial to the Planning Commission; similarly, an adjoining landowner can appeal an approval of a subdivision plat.

SUBDIVISION REGULATION: VIRGINIA LAW

- Subdivision Ordinances are mandatory under Virginia laws.
- Virginia Code requires Planning Commissions to prepare and recommend a subdivision ordinance to the local governing body for adoption.
- No person may subdivide land without the approval of the subdivision plat by the local government
- Exemptions from the subdivision ordinance must be framed as divisions of land that do not fall within the definition of "subdivision" adopted by the local government in its subdivision ordinance.
- Local governments have the power to revise this definition.
- Virginia law does require that all adjoining landowners receive notice of a proposed subdivision.
- Virginia law does not require a public hearing before final action, a public hearing may be required by local ordinance.
- Bonding: Virginia law allows localities to condition subdivision approval upon the posting of a bond

SUBDIVISION REGULATION: VIRGINIA LAW

- **Family Divisions:** Virginia law exempts “family divisions” from the subdivision process.
 - A “family division” is a division of land for the purpose of selling or making a gift to members of the landowner’s family. Family members include spouses, children, parents, nieces, nephews, aunts and uncles.
 - The locality can require that lots created as part of a family division remain in the hands of the family member for a “reasonable” period of time (a year or more) before a transfer out of the family.
- **Special Protection for Recorded Subdivision Plats:** Virginia law provides that a recorded final subdivision plat shall be immune from any changes in local ordinances for a period of five years after it is recorded, regardless of whether the landowner has started any development of the site.

WHY ARE WE REWRITING THE SURRY COUNTY SUBDIVISION ORDINANCE?

- Surry County recognized that landowners have the right to propose subdivision of their land in a manner that minimizes hazards, protects resources, and ensures functional services.
- Surry County recognized the need to balance public input with professional knowledge, as well as align the subdivision regulations with the Community's character and culture but also ensure that regulations continue to comply with the provisions of the code of Virginia.

HOW WILL SURRY COUNTY SUBDIVISION ORDINANCE BE REWRITTEN?

- This project will be guided by comments received from members of the public, the Board of Supervisors, the Planning Commission, & the Ordinance Steering Committee.
- HRPDC will perform an extensive assessment of the old subdivision ordinance and provide a list of suggestions for updates to be made.
- HRPDC will work with the Surry County Planning Department to reorganize, reformat, edit, and add regulations to the Surry County Subdivision Ordinance based on the recommendations listed in the assessment.
- A Draft of the newly revised Surry County Subdivision Ordinance will be submitted to the County for review and eventually adoption.

FOCUS GROUP DISCUSSION

QUESTIONS?

- What are your general thoughts of the current subdivision ordinance in Surry County?
- Are there specific issues or opportunities with the current subdivision ordinance that you would like to see addressed during the updating process?
- What are your goals for the new subdivision ordinance?

PLEASE LIST PREFERENCES FOR STANDARDS FOR THE FOLLOWING

- Family Subdivisions
- Right-of-Way Development Standards
- Lot Yield Requirements
- Parcel Splits
- Minor Subdivision Review Procedures
- Major Subdivision Review Procedures